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**TESTIMONY OF PUEBLO OF LAGUNA GOVERNOR RICHARD LUARKIE
REDISTRICTING LEGISLATIVE COMMITTEE
AUGUST 3, 2011
ACOMA PUEBLO**

Good afternoon Madame Chair and Representative Sandoval, and members of the committee. Thank you for meeting with the Pueblos, Navajo and Apache Nations and our respective Tribal leadership. We consider this a government-to-government meeting because this hearing brings together our State legislative leaders with the leaders of the sovereign nations in New Mexico. I am here today with 1st Lt. Governor Harry Antonio, Jr. and 2nd Lt. Governor Charles Poncho.

New Mexico is unique in the United States. Here, in this great state, the Tribes and the State solve many of the complex jurisdictional issues, like taxation, through legislative compromise. We are not like New York or other States where the sovereign Tribes and the State are in a constant battle in the courts over gas taxes, cigarette taxes, or environmental laws. It is precisely because of the importance of the cooperative relationship we enjoy that I believe responsible redistricting is so important and attainable for us.

New Mexico has had a Pueblo representative in House District 65 since 1982. It took a court decision to create this Pueblo Native American House district. In 2001, Laguna moved from House District 65 and helped create another majority Native American District - House District 69. Unfortunately, in 2001 it took another court case to adopt the Native American maps.

I am hopeful that we will avoid such a court battle this year. I am confident that the Committee's presence here today means that the Legislature will honor the Tribal voice when it comes to redistricting Native American precincts. To help the Legislature in drafting the redistricting plans, the Pueblo of Laguna will share with you factual information that supports why we believe the Voting Rights Act applies to us, as well as the general concepts that we want you to include in redrawing the Congressional, House and Senate maps.

First, at Laguna, we know there is bloc voting against Native American candidates. Several Laguna members have run for office. These candidates were well qualified for the positions and did the hard work to get elected, but the bloc voting of non-Native American voters worked against their candidacy.

Second, the lack of representation in the Legislature hurts Native American sovereign interests. This last session, we saw non-Native American legislators attack the foundation of cultural preservation in this state because they didn't understand and objected to our nomination of portions of Mt. Taylor as a Traditional Cultural Property. The lack of understanding around this cultural issue is partly because the representatives and senators simply don't come from the same background as us and choose not to understand. While non-Native Americans have represented our interests, they must continue to listen to us and respond to our concerns responsibly. This is especially important when Native Americans constitute a large percentage of the district.

Laguna took the lead in several pieces of legislation in the last 10 years, including the early voting bill, sharing of DWI conviction information between tribal and state courts, and new laws that require the Office of Medical Investigator to work closely with the Tribes on the sensitive cultural issues surrounding autopsies.

During the debate on the early voting bill, it was pointed out that there were no early voting sites on Pueblo or Apache precincts, not a single site, and only one site near Navajo lands. This was a clear violation of the Voting Rights Act and our civil rights. Instead of litigating, however, we worked with our Representative, Ken Martinez, and Senator Lovejoy (who does not represent our district) on sponsoring and getting the early voting bill passed. This bill itself was inspired by another instance of electoral discrimination. After Laguna registered 500 new voters in 2004, the County Court Clerk failed to input all their names. On Election Day, these new voters, and numerous established voters found that they could not vote - the Clerk had not put them in the system, and the County Clerk also failed to provide a means to allow them to vote provisionally. The effect of disenfranchising these Laguna voters must be considered when looking at the Totality of the Circumstances surrounding the requests of Tribes to draw their majority Native American districts. Other examples include: Uncalibrated voting machines, ballots kept coming back out, voters left the polls frustrated; when provisional ballots were requested due to names absent from list, the ballots were provided in Spanish, voters left then as well. These examples demonstrate that under the Totality of Circumstances test compliance with the Voting Rights Act is mandatory.

Count All Native Americans

We also encourage the Legislature to use the census numbers that count all Native Americans who self identify as Native Americans in the redistricting plans. The early concept plans that we reviewed only recognized Native Americans that self-identified as not having any other race or ethnicity. Many of the Pueblos do not base membership on a 100% blood quantum. Many members are recognized as Native American and as tribal members even when they may possess other heritage or ethnicity. The Supreme Court has recognized that the Pueblos and Tribes have the inherent sovereign right to determine membership. To honor this, the percentages reflecting membership in minority groups should include all Native Americans even if the Native American has other racial or ethnic heritage as well. We'd like to thank Brian Sanderoff for providing the new Native American numbers to reflect this concern this morning.

Majority Native American Districts

House

The Pueblo has enjoyed the benefits of having a representative that responds to Native American issues and concerns since the 1980s when we were in House District 65. Now we are in House District 69 and wish to maintain the Majority Native American nature of this district. We believe this is called for under traditional redistricting principles and the Voting Rights Act.

Senate

We will be looking at a Senate District as well. The Tribes in the western part of the State share strong communities of interest. We have worked together to protect the Zuni Salt Lake, to nominate Mt. Taylor as a TCP, and to develop economic enterprises. Our ties are historic as well as contemporary. As of this hearing, we have not determined what the desired district would look like. However, we have determined that it does need change. So will be reviewing this carefully, looking at optional maps and discussing this issue with the Pueblos of Zuni and Acoma and the Navajo Nation. We will provide this committee and the Legislature specific input on our position before the Special Legislative Session.

Competitiveness

We have heard that there is a desire to drastically redraw New Mexico's districts to increase the competitiveness of the districts from a partisan viewpoint. The Pueblo of Laguna would object to this because we believe it would violate the Voting Rights Act. As an example, an attempt to redraw House District 69 to make it more competitive would drastically decrease the Native American percentage of this district. We believe that the majority Native American districts across the State would be diluted and eliminated if competitiveness became the precondition for the new map. Competitiveness is not a traditional redistricting principle. To the extent that competitiveness would undermine our voting rights, we will object to its use in redistricting.

Congress

The Pueblo of Laguna Council has reviewed the congressional concept plans that were produced at the June 22, 2011 Redistricting Committee hearing in Santa Fe. It is impossible to create a majority Native American congressional district. We therefore object to crowding all of the Pueblos and Navajo Nation into a single district as contemplated by several of the concepts.

Over the last several decades, the Laguna Pueblo has been well served by both Republican and Democratic representatives in District 2. As noted earlier, we share communities of interest with other western tribes in this District. We wish to remain in District 2.

However, we believe that placement of the Laguna Lands in Bernalillo Precinct 31 into Congressional District 1 would make sense since this census area is considered a metropolitan area, which will likely be included in Congressional District 1. The current and future issues that will need addressing in District 1 concerning growth and development will also be shared with the Laguna in this precinct. We are willing to do our part.